

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

DAVIS *et al.*, individually and on behalf of all
others similarly situated,

Plaintiffs,

- vs -

EASTMAN KODAK COMPANY,

Defendant.

Civil Action No. 6:04-CV-06098

ALSTON *et al.*, individually and on behalf of
all others similarly situated,

Plaintiffs,

- vs -

EASTMAN KODAK COMPANY,

Defendant.

Civil Action No. 07-CV-6512

PLAINTIFFS' MOTION FOR PROTECTIVE ORDER

PLEASE TAKE NOTICE that Plaintiffs respectfully move this Court to grant this motion for a protective order to preclude the dissemination of certain audio and video recordings that were surreptitiously made by individuals purporting to object to the proposed Settlement Agreement in this case. The basis of this motion is that the unauthorized recordings are of communications that are subject to the attorney-client privilege and also violate sound public policy and the Federal Rules of Evidence. The support for this motion is set forth in Plaintiffs' accompanying memorandum of law and accompanying exhibits.

PLEASE TAKE FURTHER NOTICE that this motion shall be returnable before the Honorable Jonathan W. Feldman, United States Magistrate Judge, United States Courthouse, 100 State Street, Rochester, New York 14614, at a date and time to be set by the Court.

Dated: October 14, 2009

Respectfully submitted,

By: /s/ Bruce E. Gerstein
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